The Confidential Cover is in the file.

G. R. S. 58]

Previous references.

File No. 197-09

Serial Nos. 1--8

1909.

(Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—8

Part B for Feb. 11

SUBJECT.

Arrears in the Sub-ordinate Judge's Courts at Bangalore.

Table of ~~Comments~~ Contents.

1. From the Registrar Ch. Court No 3629/217 dy 3.3.10.
   Brings to notice the arrears of routine work held by Mr. Jayaram Ayer, as Sub: Judge and proposes to employ additional hands to clear off the arrears—
2. To the Registrar Ch. Court and Comptroller No 2853—4 dy 28.3
   Sanctions the proposal & calls for Mr. Jayaram Ayer's explanation and other information.
3. From the Registrar Ch. Court. No 1172/66 dy 5.9.10
   Forwards the explanation of Mr. Jayaram Ayer & furnishes the information called for

GPB—5,000—22-10-10

4. From the Registrar Ch. Court no 1196 dy 8.9.10.

Forwards copy of letter from Mr. Jagannatha Iyer to the Ch. Court regarding the arrears of work in the Sub. Judge's Court.

5. To the Ch. Court + Rev. Court in Kispare no 2095-6921 Regr.

Communicates the views of Court regarding the explanation of Mr. Jagannatha Iyer.

6. From S. Ramaswamaiengar, Registrar, Bangalore Sub. Judge's Court dy 5.1.11

Submits an explanation regarding the arrears of work in Mr. Jagannatha Iyer's time.

7. From the Registrar. Ch. Court no dy.

Request the return of enclosures to 81.3

8. To the same officer no 2185 dy 3.2.11.

Returns the enclosures forwarded 81.6 for disposal

G.R.S. 11] 1909-10

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cfs File No. 197-09
(contains also a sealed cover).

FILE HEADING.

Arrears in the Subordinate Judge's Court at Bangalore.

From

The Registrar of the Chief Court of Mysore.

No. 3829/217 Dated 3-3-10 Received 7-3-1910.

Diary No. J2243 | Enclos. 2 | Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Brings to notice that Mr. Jayarama Iyer, while vacating the office of the Subjudge, left behind him much arrears, and recommends the entertainment of two temporary hands on Rs 15 each for a period not exceeding six months, to clear off the arrears.

NOTES AND ORDERS.

Subt for orders. The Special expenditure amounts to Rs 180 for which provision has to be made in the next year's budget.

8-3-10.

SW 1) There seems to be no alternative but to sanction the proposal -

10/3/10

2)

NOTES—First sheet

GPB—30,000—3-4-07.

Serial No.

the Current year's Expenditure being met by re-appropriation.

10/3/10. Sd

Sec'y to Govt

Hdrs Leo 646.

10/3/10

Sec'y 10/3

1) To Br II for favour of opinion

Sd 10/3/10

Submitted

Br 11/3

11/3/10

5) If the entertainment of two hands on Rs 15 each for a period of 6 months is considered necessary, there is no financial objection to the proposal

Rec'd. 11/3

12. 3 10

To Br III

Subd. for orders.

SN 14/3/10.

15/3/10. Sd

7) See 7) The proposal of the Chief Comt may be approved.

GPB—55,000—27.4.09

Serial No.

8) The Chief Court may perhaps be requested to forward for the information of Govt the further explanation promised by Mr Jayarama iyer. There is reason to think that his predecessors in office were largely responsible for the bad state of the records &c. If the conduct of any of these officers is to be taken any notice of they may be given an opportunity to offer an explanation.

Dewan through 2nd C

CSJ
15/3/10

3092

CSJ
15/3/10

9) I believe that Mr Jayaraman-Iyer did work hard and that the responsibility for the deterioration of work in this Court rests by his with others. Perhaps the acting tenure that he had did not encourage him to take stock of what arrears had accumulated at the start. Still he must share the blame along with others. There is no explanation now about so many judgments being pending unwritten after the completion

GPB—55,000—27-4-09

Serial No.

of cases, and the fact that they were not shown in the returns makes it a serious matter. Further explanation should be obtained on this.

2. The addition of 2 Clerks as proposed for 6 months seems to be quite necessary and may be sanctioned.

17/3/10

1. Put up draft & submit to Dewan

17/3/10

17/3/10

Early

18/3/10.

2 Submitted with a draft order.

19.3.1910.

21/3/10

21/3/10

5144
22/3/10 Dewan

1. Draft approved
2. After issue resubmit the file for further attention
Dyne

1) Issue
2) Resubmit file to Dewan

26/3/10

NOTE—Contn. sheet.

BPG—55,000—27-4-09

C& File No. 57 of 190 (1)

Serial No.	
	5 Issued & re-subd SN 4/4/10 5342 5/4/10
2	To the Registrar of the Chief Court of Mysore. N° J 2853-4 & a Comptroller's Govt, 28th March 1910. Sanctions the entertainment for a period not exceeding Six months, of two clerks on Rs 15/- each; ~~and~~ calls for the explanation of Mr Jayarama Iyer in regard to so many judgments being left unwritten after the completion of the Cases, and in regard to the fact that they were not shown in the monthly Statements, and requests that a Copy of Mr Jayarama Iyer's letter submitted to the Chief Court in December 1908, may be sent up to Govt together with the Service Register of the Sheristadar of the Sub-Judges' Court, Bangalore, written up to date. P.J.O

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Submitted to His Highness.

16 I submit for perusal the accompanying file of papers relating to a report received from the Chief Court regarding the large accumulated arrears of routine work left by Mr. Jayarama Iyer, Sub-Judge, Bangalore.

17 2. An establishment of 2 clerks on Rs.15 each has been sanctioned for 6 months for bringing the arrears of work up to date, and further explanation called for from Mr. Jayarama Iyer.

ku.

T. Ananda Rao
7/8/10

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

1028 7.1.191

Papers relating to a report received from the Chief Court regarding the large accumulated arrears of routine work left by Mr.Jayaram Iyer , as Sub Judge, Bangalore.

733.

Order.

18 ~~KRW~~
8/4/10

Seey

9/4/10

11/4/10

9/4/10

14/10

G. R. S. 12]
General and Revenue Secretariat.

To File No. 197 of 1909-10.

Serial No.	
3	From the Registrar, Chief Court. N° 1172/66 & 5.9.1910. Forwards the explanation of Mr Jayarama Iyer & Mr. Nagappa's report thereon, together with a note recorded by the Chief Judge, as also the Service Register of S. Ramaswamy Iyengar Sheristadar Sub Judge's Court, Bangalore.
4	From the Same officer, N° 1196/71 & 8.9.10. Forwards a Copy of Mr Jayaram Iyer's letter & 24th December 1908, addressed to the Chief Court in the matter of the arrears of work in the Subordinate Judge's Court, Bangalore.
	Subd for orders.
	Hcs W/ 14.9.10 WR 19 (1) Mr Jayaram Iyer's Explanation touches all the points on which a report has been made against him.
	(2) Mr Nagappa to whom Mr J's Explanation was forwarded by the Chief Court Evidently to Explain Catain facts and figures which were Contradicted by Mr J. Iyer seems to have been misled into thinking that his opinion

(1) But he has given a very useful "synopsis" of Judges notes on the files of the various Cases which it should otherwise have been quite necessary to have to study

5 Dec

(2) ///

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

on the merits of Mr J's Explanation was asked for.

21) (3). There seems to be no reason to doubt that Mr J. has worked hard as a judge but he seems to experience great difficulty in making up his mind in the decision of Complicated Cases.

22) (4). The Office seems to have been in a deplorable Condition for a good many years and it was probably Mr J's good nature that ~~prevented~~ ~~him~~ prevented him from adopting firm ~~measures~~ measures in dealing with dilatory clerks. It is probable that if he had continued longer he would have restored the Court to an efficient Condition, though a little slowly.

23) (5). His Explanations regarding the omission to show judgments (pending) in the monthly Statements is are not convincing in Certain Cases.

24) (6). The Shiristedar's Explanation has not been submitted, as it was not called for. His Service Register Contains an adverse opinion by Mr Paranadkar's Sy and a favourable one by Mr Bhabha

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Ct File No. 197 of 1909 — a.

Serial No.

Mr Nagapa has given him a Certificate so lately as 28th Feb 1910 * that "he has worked to his Satisfaction and that "he bears an Excellent character" but seven weeks later he records in the Service Register that "he is incompetent to be a Shirastedar and does not understand his work".

21/9/10

* that is more than 3½ months after Mr V. took charge of the Sub Court

NOTE—Contn. sheet.

GPB—55,000—27-4-09

C. 137.
26. 11. 10.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Papers relating to a report received from the Chief Court regarding the large accumulated arrears of routine work left by Mr Jayaram Iyer, as Subjudge, Bangalore.

CIRCULATED TO COUNCILLORS.

By Order,

C S Balasundaramayya
Secretary to Government.

24 Nov 1910.

K. P. Puttanna Chetty, Esq.,
First Councillor.

Seen. 26.11.10.

H. V. Nanjundayya, Esq., M.A., M.L.,
Second Councillor.

G. S. 12]
General and Revenue Secretariat.

File No. of 19

Serial No.

[Pp- 11 to 19 of the ~~file~~ notes containing Council notes etc, Submit. note & Private Secy's D.O. No 578 & 8-1-14 are kept in a sealed cover along with this file]

Issue the draft order
(I shall sign the fair copy)

CSG
17/1/14

SA
19/1/14

5 To the Registrar, Chief Court
a Revenue Commissioner in Mysore
No J 23-5-6 & 21 8th January 1914

Agrees with the Chief Court that Mr. Jayaram Iyer's explanation discloses that various cases proceedings were unnecessarily protracted and this contributed to delay, and directs that expression of their displeasure should be communicated to him, & requests the Chief Court to bring the work of the Subjudges' Court Bangalore in respect of dealing with records and registers to a proper order State.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. P. S. 12]
General and Revenue Secretariat.

C to File No. 197 of 1909-10.

Serial No. 6

From The S. Ramaswami Iyengar, Sheristadar
Subjudges' Court, Bangalore (City)
& 5.1.1911.

Submits a memorandum of explanation in connection with the delay in the disposal of cases in the Subjudges' Court, Bangalore, during the time of Mr. Jayarama Iyer, Subd. Orders are under issue regarding the delay in the disposal of Cases in the Bangalore Subjudges' Court.

Hcs (122)
20.1.11.
SN (11)
20/1/11

No orders have been passed regarding this matter. May this be filed.

26/1/11

See 4

This may perhaps be forwarded to the Chief Court for disposal with reference to the order already issued.

2nd

CM
21/1/11

1339.

The order already passed may issue & this petn sent to the Ch Court for disposal.

21/1/11

23/1/11

CM

NOTE— Contn. sheet.

4PB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cto File No. 197 of 1909-10.

Serial No.

7. From the Registrar, Chief Court
N 01395 / 221 dt 26-1-1911.

Requests the return of the original enclosures submitted to Govt with his previous letter, Serial (3).

V

Submitted with a draft to the Chief Court, forwarding the explanation of Sheristadar Ramaswami Iyengar, and returning the original enclosures as asked for.

Draft (122)
30-1-11.

SN(11)
30/1/11

Issued
30/1/11

9/2/11

8 To the Registrar, Chief Court
N J 2185 dt 3-2-1911
Forwards the above for disposal.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

No: 3829 Circular: 2. J 2243

287

Ch 197-09. 8.1.

Bangalore,

3rd March 1910.

5

S.11.

From,

V.A.Rajaratna Mudaliar,Esq.,

Registrar,Chief Court of Mysore.

To,

C.S.Balasundaram Iyer,Esq.,

Offg: Secretary to Government,

Genl: & Rev: Departments.

Sir,

I am directed by the Judges of the Chief Court to bring the following facts to the notice of Goverrmment. Whem Mr.Jayarama Iyer gave over charge of the Bangalore Subordinate Judge's Court it was found that in many cases Judgments had been left unwritten; these cases should have been but had not been shewn in the monthly statements submitted to this Court. From the appended copy of letter no.411 dated the 31st January 1910 from the Subordinate Judge,Bangalore,it will be seen that Mr.Jayarama Iyer left his office in a most disgraceful state. His explanation had been called for and a copy is annexed herewith. The explanation must be taken for what it is worth;but the remark suggests itself that if he really worked as hard as he represents, then,regard being had to the outturn of his work,he must be an extraordinarily slow worker.

It is now imperatively necessary that the arrears of routine work be brought up to date with as little delay as possible. The Chief Judge has visited the Court and has satisfied himself that this cannot be done except by the employment of extra hands. It is therefore requested that sanction be given with as little delay as possible to the entertainment of 2 clerks

on

G. R. S. 12]
General and Revenue Secretariat.

Ch File No. 197 of 1909-10.

Serial No.

C. 137
26.11.1918

111

Sec'y) Mr Jagarama Iyer was in charge of the Subjudge's court from the 7th augt 1908 to the 8th Nov 1909 or a period of just 15 months. He was only acting as Subjudge. While the facts now brought to notice leave no doubt that he was somewhat dilatory in the disposal of work it seems unreasonable to blame him very much for the unsatisfactory state of things in that court which had apparently existed from a considerable time previously.

2. In regard to the omission of some suits from a certain column

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

of a statement in Jeevanamaiyer's explanation is not very convincing in all the cases but this much seems clear that he has been acting on the same interpretation of the rule for several years & that the Chief Court has never taken exception till now. It is also not improbable that other judges have also been acting in the same way. 2. Now that a different course is considered desirable the Chief Court may well draw the attention of court to it.

3. In regard to the Shanbogship, the present incumbent has been holding the appointment since 1897 - with a few breaks - & he must have had a large share in directing the work of the other officials in regard to work such as drawing up decrees, receipts, arranging records. It would perhaps be desirable to give him a change to anyone a Shanbogship -

2nd Cr

676

NOTE—Contn. sheet.

GPB—55,000—27-4-09

C5
2/11/10

2/11/10

Serial No.

2) As the Chief Judge says the state of the Court as regards the work of writing decrees & dealing with records was disgraceful, and all the presiding officers must share the discredit. The explanation given by Mr Jayaramayer shows that he had certain objectionable habits ~~Court~~ in dealing with cases which contributed to delay. He of course was responsible to see that the officials did their work properly, but he himself did ~~of~~ a great deal of work, and no doubt a large quantity of arrears had been left by his predecessors. That he did not take stock of arrears as

G. R. S. 12]
General and Revenue Secretariat.

Ch File No. of 190 7

Serial No.

Mr. Nagappa did in the beginning was ~~hasty~~ hastily due, I believe, to his tenure being an acting one and hastily perhaps to a difference of temperament between the two officers. Mr Jayaramaiyar also tried to clear up the arrears.

3/ As to the omission of pending judgments from the statements submitted to the Chief Court, it seems to have been due to a mistake about the meaning of the term judgment. Though as the Ch. Judge points out, a judgment is neither a decree nor order, but the ~~enunciation~~ statement of the reasons leading to either, judicial

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

Officers &c ~~of~~ do formularly take judgment ~~on~~ & order as referring to suits & Misc Cases respectively. No notice need be taken of this mistake.

3) The Chief Court may be asked to give a change of Place or work to the Siristedar, if he is considered not up to mark in his present position.

3) A brief orders as in draft appended seems to be sufficient.

4/11/10

8655
12.11.10

3 Please circulate & Council ~~on~~ 5/11/10
Bring up at Council Meeting early - This file raises the question whether Mr Jayawardhana is entitled as matter of ~~right~~ to 24 hours notice

Seen

Circulate HB 24/11/10

26/11/10

GPB—55,000—27-4-09

8972
30.11.10

16

Extract from the Proceedings of the ..258th.. Meeting of the Council of His Highness the Maharaja, held at ...Bangalore..... on the .28th..November 1910

2. Subject. - (Clause V of the Schedule).

Papers relating to a report received from the Chief Court regarding the large accumulated arrears of routine work left by Mr. Jayarama Iyer as Sub Judge, Bangalore.

OPINION OF COUNCIL.

The appended draft order recording the displeasure of Government may be approved.

"Extract"

C S Balasundaramiyer
Offg. Secretary to Govt.

Sd. T. Ananda Row,
Dewan of Mysore.

Submitted to His Highness.

With reference to His Highness' order of 8th April 1910, I submit the further explanation of Mr. T.R. Jayarama Iyer regarding the large accumulated arrears of routine work left by him as Sub-Judge, Bangalore.

2. It will be seen from the Note of the Chief Judge that in his opinion Mr. Jayarama Iyer's 'method of trying cases was radically bad'. The trend of the Chief Judge's Note is that Mr. Jayarama Iyer's explanation is unsatisfactory and unacceptable.

3. The matter having been considered by the Council, it is collectively of opinion that the accompanying draft order recording the displeasure of Government may be approved.

4. The various shades of thought and opinion on the case are recorded on the notes, besides being apparent on the Chief Judge's minute as well as Mr. Jayarama Iyer's explanation and Mr. Nagappa's statement thereon. It is clear that two things are outstanding, viz. <u>First</u> that if all this had been known earlier, Mr. Jayarama Iyer would not have been confirmed as Assistant Commissioner, but would have had to revert as Munsiff

that he was before he was appointed Officiating Assistant Commissioner and Sub-Judge on promotion. And second that bad ~~bad~~ work such as has been brought to notice is not only a great slur on the service generally and the Judicial Department in particular, but creates more work, of which this file is itself a small example.

P Mandalam
Secy

17

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Report of the Chief Court regarding arrears of work left by Mr. T.E.Jayarama Iyer as Sub-Judge, Bangalore.

6.12.10
1689.

19

D. O. No. 7r 1982

PRIVATE SECRETARY MYSORE

Camp, Nittur,
8th Dany 10.

DO 578 with file

My dear Sir,

His Highness accepts your view of Mr.Jeyarama Iyer's case and is willing to let him off with a censure. The File on his case is herewith returned.

Yours sincerely,

R Rangacharlu

T.Ananda Row Esq.,C.I.E.,
Dewan of Mysore.

18/1/11.

on Rs:15 each per month for a period not exceeding six months. Monthly progress reports will be called for and their services will be dispensed with as soon as the work is up to date.

I am to add that the disclosures which have now come to light afford an additional argument in favour of the reappointment of a District Judge at Bangalore. Under a system of proper supervision such irregularities would not have been possible.

Orders have now been issued which ought to ensure the prompt writing up of decrees and arrangement of records, provided that the periodical returns are correctly prepared. The Chief Judge has inspected several outlying Courts during the past few months and has satisfied himself that routine work is fairly up to date.

I have the honor to be,

Sir,

Your most obedient servant

REGISTRAR.

A.S.

From,

The Assistant Sessions and
Subordinate Judge, Bangalore.

To,

The Registrar,
Chief Court, Bangalore.

Dated 31st Jany / 1st Febry 1910.

General no 411.

Sir,

I have the honor to State that on my inspection of the office on several occasions, I observed the following State of affairs.

In a big box there are records, account books and other papers thrown in a confused State under lock and key. I have to send for the respective parties or their Counsel and return to them.

Some records, that were sent to the Central Record Room for safe custody, returned for want of exhibits and account books and

are

are lying with a number of account books in an almirah unattended to. I ordered the clerk who had the charge of them to prepare a list of records in which account books, exhibits, and other papers are not forthcoming.

3808 completed records in Original, Small Causes, execution and miscellaneous cases disposed of in 1906, 1907, 1908 & 1909, &c., were checked, registered and sent to the Central Record Room for safe custody after 6th November 1909.

There are still 2000 records left without being indexed and pherished. I ordered the clerks who are now attending to them to give a list of cases in which papers are missing.

In some of the records of the cases, papers are missing.

A register was opened from Yesterday as per new rules giving the Serial numbers according to the date

of

of disposal of the cases disposed of since 1st July 1909.

Excluding about 100 decrees that were drawn up and signed by me after I took charge of the office, there are still 431 cases in which decrees have to be prepared and signed. The details are as follows: —

	1906	1907	1908	1909	1910
Small Causes	4.	5.	54.	268	103.
Original	"	"	9.	18.	1.

Out of these 31 have been prepared and signed by me.

1. It is needless to state that the litigant public are put to great inconvenience from such a state of affairs.

2. From the reports of the Examiner of Copies which I have the honour to submit, the applications for copies of judgements, decrees are pending from a very long time, for, decrees in some cases are not drawn up and the records in others are not properly

indexed

indexed and arranged. Everything is in a confused state.

3. The Sheristedar tells me that these things were being continued from 1906; and that no body in particular can be blamed. There have been loud complaints by the parties and advocates regarding the delay caused in the office.

4. It is undesirable in the interests of the Department and of the public, such a state of affairs should continue.

5. When this Court was invested with unlimited original jurisdiction, no addition has been made to the number of clerks that were employed before. This Court is now invested with the powers of an Assistant Sessions Judge. This will naturally increase the work.

6. With the increase in the disposal of Cases, Original, Small Cause suits, miscellaneous and Execution applications, as can be seen by comparing the

monthly

monthly Statements Submitted prior to November 1909 and those Submitted from November 1909 up to date, it is difficult to get the present staff to cope with the current work and in addition to clear the arrears.

7. I therefore request that the Chief Court would be pleased to Sanction 2 more clerks for at least 6 months to clear these arrears.

I beg to be.

(Signed) B. Nagappa.

Assistant Sessions and Subordinate Judge, Bangalore.

"~~T~~ "Copy"

~~Illegible~~

Registrar.

No: 597

Dated Kolar, 26th February 1910.

From,

T.E.Jayarama Iyer, Esq., B.A., B.L.,
Sub Divisional Officer, Malur Sub-Division,
K O L A R.

To,

V.A.Rajaratna Mudaliar, Esq.,
Registrar of the Chief Court of Mysore.

Sir,

With reference to your letter No.3523/2303 dated the 17th February 1910 calling for an explanation in respect of the arrears that have accumulated in the office of the Sub-Judge, Bangalore, in the matter of pheristing of records and the writing of decrees, I have the honor, pending the submission of a fuller and more detailed explanation on all the points referred to after the receipt of certain statistics which I have requested Mr. Nagappa to kindly furnish me with to enable me to comply with your requisition and which he has promised to do in the course of a few days, to submit as follows:-

x as per list enclosed for ready reference x

2. I took charge of the Sub-Court in the afternoon of 6th August 1908 and remained in charge of it till 8th November 1909, i.e., for a period of about fifteen months. When I took charge of the Court, I found a very large number of records in which pherists had to be prepared and decrees drawn up. That I started with enormously heavy arrears can be seen not only from your letter under reply which refers to arrears dating back from 1906 or from about two years prior to my taking charge of the Court, but from various Office orders and the actual state of work in the Office in respect of which I await statistics.

3. When I took charge of the Court, the records of suits that had been disposed of were in a state of confusion having

been

been in the possession of clerks without any of them having been indexed or pheristed or stitched. A few days afterwards came the Dasara holidays when the records with some of the clerks were taken over and distributed amongst several of the officials who were made to pherist and index them. After the close of the -- Dasara holidays each of the clerks was asked to write pherists and indexes in about five suits a day and a register showing the work done by each was maintained, but this arrangement did not work satisfactorily as their current work was heavy. During the Christmas holidays of 1908, almost all the clerks of the Court, the Copyist examiner, a Copyist, two amins and two clerks of the Central Records were made to write pherists when a considerable amount of work was got through. To keep the records thus pherist--ed, I had specially to allot a separate room in March 1909, there having been no such accomodation for them till then, and it was only in the months of June, July and August 1909 that the record registers for 1906-07, 1907-08, and 1908-09 were opened. Subsequently during the annual recess of 1909, almost all the clerks of the Court were told off for the pheristing work; ~~and writing;~~ and writing from memory as I now do, about 1,800 records or so were then indexed and pheristed by them. Similarly I made them attend to this work during the Dasara holidays of 1909 also. Thus during the 15 months I was in charge of the Sub-Court, neither the clerks nor I enjoyed any holiday. Apart from spending a great portion of the day in the Court, during the Dasara holidays of 1908 and 1909 and the Christmas of 1908, I was in Court from 11 A.M. to 5 P.M. Throughout the annual recess of 1909, ambitious to clear off the mass of arrears I had inherited and to bring the work ~~up~~ to date, exacting task work as it were from the poor and hard-worked clerks and superintending and reviewing their work.

4. As there still remained heavy arrears even after such hard work done during the recess of 1909, the clerks were direct--ed even after the re-opening of the Court ~~to~~ to do, in addition

to their current work, as much pheristing and indexing as they could do and to complete the whole of the special work allotted to them at the commencement of the recess; but good progress was not shown and I had to withhold from some of the clerks their pay which was disbursed only a month after the due date.

5. Likewise the clerk entrusted with the duty of writing decrees was made to work during the Dasara and Christmas holidays of 1908 and the annual recess and the Dasara of 1909 as well.

6. Under these circumstances with such up-hill task as they have had to encounter, I respectfully venture to submit that on the whole the clerks of the Sub-Court did very good work and cheerfully too during the period I had the honor of presiding over it, and that but for their hearty co-operation the arrears, heavy as they were when I left the Court, would have been far heavier.

7. Whatever I possibly could do, consistent with the capacity and the strength of the Office, to reduce the arrears I have tried to do. There were arrears when I handed over charge of the Court, but this was due not to my neglect of this branch of the work but because there were when I took charge of the Court enormous pheristing arrears of several years dating if I remember aright from so far back as 1902-03 which it was not possible to clear during the comparatively short period I was in charge of the Court. There were also decrees in some of the suits disposed of prior to 1906-07, to be prepared and signed.

8. As soon as I get information from Mr. Nagappa, I shall submit a detailed report based entirely on statistics which I believe would disclose to the satisfaction of the Hon'ble Judges the extent of work done and how the records in a very large number of cases--perhaps about five thousand-were pheristed and indexed during the time I was in charge of the Court, though only a portion of them was forwarded to the Central Records before 8th November 1909, the checking and registering taking a considerable

amount

amount of time; the rest must either be in the Sub-Court or have been sent to the Central Records after 8th November 1909. My intention had been to clear the arrears entirely and to bring the work to a state of completion by making the clerks work during the recess of 1910 also if I had been privileged to remain in that Court till then. In one of the letters submitted by me to the Chief Court towards the end of December 1908 I brought to the notice of the Hon'ble Judges that there were in the Sub-Court accumulated arrears of some years in the pheristing of records and in the preparation of decrees, that I was doing all I could to clear the arrears and that with that object I had asked the officials of the Court to work during the Christmas holidays. No extra hands were asked for because it was believed that by making the staff work hard on Court days as well as on holidays for about a couple of years, the arrears could be cleared without -- Government being put to extra expenditure.

9. As regards the new record registers, my recollection is that an attempt was made to open them, but the Record-keeper was unable to make entries in them since he did not get from the pheristing clerk in the order of their disposal the records of all the suits disposed of from 1st July 1909, and the latter was not able to give them in that order because some records were taken by the decree writing clerk and some by the copyists. The records of the suits disposed of in the first quarter of 1909-10 having been due in the Central Records only before the end of January 1910, it was my intention to renew the attempt in November 1909 by which time I expected the pheristing clerk to be in possession of the records of all the suits disposed of at least in July and August 1909 and the Court to be in possession of printed registers; but I left the Court on 8th November and no printed registers had been received till that date. On this point also I have asked for information, and a fuller report will be submitted presently.

I have etc., etc.,
Sd/-T.E.Jayarama Aiyar
Sub Divisional Officer,
Malur Sub Division.

'True copy'
Registrar

ab

G.R.S. 28]

No 4895
4418-09-1
12-4-1910

Cfs File No. 197-09
Serial No. 2

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(cs)

, *the* 190

Date of issue 28/3/1910

Signed by Mr S Hiriyannaiya

READ— Letter No 3829/217 dated the 3rd March 1910, from the Registrar of the Chief Court of Mysore, bringing to the notice of Govt, the large

ORDER THEREON.—No.

accumulated arrears of routine work left behind by Mr. Jayaram Iyer B.A. B.L. while vacating the Office of the Subordinate Judge of Bangalore, and requesting that, in order

over

SUBJECT

GPB—7,000—1-3-07

2/6/13

~~that arrears of routine~~
~~work in that Court might~~
~~be brought up to-date~~
~~with as little delay as~~
~~possible~~, sanction may
be accorded to the
employment of two
Clerks on Rs 15/- each
per mensem, for a
period not exceeding
~~six months~~, for bringing the arrears of work in that Court up to date.

Order thereon: A. J 285-3-4 & 28/3/1910.
cls 197-09-2

The employment
of two Clerks on Rs 15/- for the labour purpose
each ~~ten per annum~~, ~~for~~
~~a period not exceeding~~
~~six months~~, appears to
Govt to be quite necessary,
and is sanctioned accordingly for a period not exceeding 6 months.
The amount required to meet the
~~charges~~ expenditure will,
during the current Official
year, be met by the
appropriation of the
Sanctioned Grant for Provision

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

(XY)

Thro' Mr Jayaraman

Asking the Sub Court of Nanjanad to forward Statistics & other details required he can be permitted to visit Nanjanad for three or four days – A copy of Mr Jayaraman's letter dated 5th Dec 1908 referred to in his explr may be sent up for the perusal of Govt.

3 Govt will be glad to know whether any notice has been taken of the shortcomings of the Subordinate Court who as chief ministerial officer of the Court must have a share in the responsibility for delay. Explrs written up to date may also be sent up for perusal.

19.3.1910

MGCP13—30,000—5-4-05.

Sd/ 22/3/10

4

will be

if necessary made in the next year's budget. Expenditure during the remaining period.

2.) Govt observe that no explanation is offered with regard to so many judgments being left unwritten after the completion of cases; and the fact that they were not shown in the monthly statements makes it a serious matter. The Chief Court is requested that Mr Jayaraman's explanation on the point may be obtained and submitted at an early date.

(XX)

Together with the further explr and statement which he has promised to send up

Sd/

for Secretary

To

The Registrar of the Chief Court of Mysore

& Comptroller to Govt

Copy to Branch II for Confirmation.

Note

1) I have read Mr. Jayaram Aiyar's explanations together with Mr. Nagappa's commentry thereon, and I note as follows:-

Para 4. Mr. Jayaram Aiyar's remark that orders are not judgments has no meaning. A judgment is neither a decree nor an order but a statement of the grounds thereof.

2) Para 5. In cases 1-4 Mr. Jayaram Aiyar is technically correct but he appears to have been terribly dilatory. In case 5 there was extreme dilatoriness and so far as I can follow the record, the case was ripe for judgment. In cases 6-11 Mr. Jayaram Aiyar appears to be altogether wrong. The term 'judgment' in column 11 of the monthly statement cannot be interpreted as Mr. Jayaram Aiyar would wish to interpret it.

Para

Para 8. In the 4 Cases referred to Mr. Jayaram Aiyar may be technically correct but the procedure followed by him is open to great objection. It appears to be his practice to adjourn a case for judgment, than to fix a date for further arguments (without giving notice to the parties and without stating on what points further arguments are required) and then to wait till the parties happen to turn up. This practice may be 'Coeval with Mr. Jayaram Aiyar's Career' but it is none the less ~~a~~ most objectionable

Para 9. The six cases referred to in this para are all typical of the way in which Cases should not be tried. Issues are framed before the Judge has ascertained the points in which the parties are at variance with the result that when the Case is closed the Judge finds himself unable to write his judgment. He then for the first time makes an attempt to find out what the nature of the dispute really is. The principle that a Judge should never neglect any-

anything that would be of any help in finding out the truth is no doubt a praiseworthy principle, but if a judge would follow the plain provisions of the Code and would insist upon facts being clearly stated before issues are framed, the absurdity of a Judge proceeding to trial without knowing what the parties are fighting about would disappear.

5) Para 15. To say that the first 2 Cases referred to in this para stood adjourned not for the delivery of Judgment but in order to enable the Judge to procure certain books of reference is a mere quibble. The explanation regarding the third case is unintelligible.

6) Feriating and Decree writing.

It would probably not be possible, and even if possible, it would serve no useful purpose to attempt any reconciliation of the figures given by Mr. Jayaram Aiyar and those given by Mr. Nagappa. Taking either statement as correct and without throwing the

blame

blame on any particular Judge it is self-evident that the Court was in a most disgraceful state.

When I last visited the Sub Judge's Court the Serishtadar S. Ramaswamy Iyengar struck me as hopelessly incompetent. In forwarding his Service Book it is only fair to him to append a copy of a testimonial given to him by Mr. Nagappa on 28. 2. '10. This good natured but pernicious practice of giving testimonials to subordinates is one which I have always strongly condemned. -

I cannot help thinking that Mr. Jayaram Aiyar would have been better advised had he, instead of attempting to explain away the short comings which have now come to light, admitted candidly that his method of trying cases was radically bad. In this respect he is no better and no worse than were the great majority of the Mysore Subordinate Judges two years back. It is only now that they are beginning to realize that issues

are

are not to be framed, until the points in dispute have been elicited and that they are expected to work in the light not in the dark. —

Signed / S. Swaney
Dated 30th August 1910. } / Chief Judge.

'Copy'

[illegible]

for Registrar

No: 1176/77

J693 Bangalore 8th September 1910.
81-H 9c

From,

V. A. Rajalatna Mudaliar Esq
Registrar, Chief Court of Mysore.

To,

C. S. Balasundaram Iyer Esq
Offg: Secretary to Govt:
General and Rev: Departments.

Sir,

In continuation of this Office letter No: 1172/66 dated the 5th Instant and with reference to para 2 of Govt: Proceedings No: J. 2853-4/Fts: 197-09-2 of the 28th March 1910, I am directed to forward herewith copy of letter No: 417 dated the 24th December 1908 from Mr: T. E. Jayaram Iyer, Sub Judge, Bangalore, regarding the arrears of work in his Court.

I have the honor to be,

Sir,

Your most obedient Servant,

V. Raja Rathnam
Registrar

From T. E. Jayaram Iyanga B.A. BL
Subordinate Judge,
Bangalore

To V-A. Rajadatna Mudaliyar
Registrar, Chief Court.

Dated 24th December 1908

Despatched

Received

General No. 417

No.

Enclosure No.

Sir,

Adverting to your No: 3762/2303 dated the 16th instant, I have the honor to state that on account of the accumulated arrears of some years in the pheristing of records and in the preparation of decrees, difficulty is often Experienced in tracing records, which not being stitched, get mixed up with each other. I am doing all I can to clear the arrears, and for this purpose I have asked all the officials of this

Court to work during the present Christmas
Holidays - Such regrettable delays as have been
pointed out by you will be avoided in future.

I have &c

(Sd) T. E. Jayaram Esqr,
Subgnde

Copy'

- Dy Asst Auditor
Registrar

CC/

G.R.S. 281

693
20/4/11

Draft Thro' Chief Secy

21

File No.

Serial No.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(C5)

, *the* 190

Date of issue 21-1-11

Signed by Mr. C.S. Balasundaram Iyer.

READ—

Correspondence ending with letter No. 1196/71 dt 8/9/10 from the Registrar of the Chief Court regarding the arrears of work in the court of the Subordinate Judge, Bangalore.

ORDER THEREON.—No. J 2095-6/C5-19-9-5

Recorded.

Government agree with the Chief Court that, ~~though Mr. Jayasimangar put through a sufficient amount of work in Court,~~

over

SUBJECT

In 7/15 explanation discloses that ~~his proceedings in~~ in various cases ~~disclose~~ proceedings ~~that they~~ were unnecessarily protracted, ~~and~~ that this contributed to delay in the final disposal of cases; and that the work of the establishment was not sufficiently ~~forcefully~~ scrutinised.

The Chief Court will be requested to take such steps as are calculated to bring the work of this Court in respect of dealing with records and registers to a proper state. If the Sristedar is not up to mark, ~~steps~~ he may be given a change of work or place in such manner as may be deemed suitable.

They direct that an expression of their displeasure shd be communicated to him
J. 7/7.

The Regr Chief Court

Revised Draft

Proceedings of the Government of His Highnessthe Maharaja of Mysore.

Read:-

Correspondence ending with letter No.1196/71 dated 8th -- September 1910 from the Registrar of the Chief Court of Mysore regarding the arrears of work in the court of the Subordinate Judge Bangalore.

Order thereon No. J 2095-6 /cls 1909-09-5

Dated Bangalore. 21st January 1911.

R e c o r d e d .

2. Government agree with the Chief Court ~~&&&&~~ that, Mr. Jayarama Iyer's explanation discloses that in various cases proceedings were unnecessarily protracted, ~~and~~ that this contributed to delay in the final disposal of cases; and that the work of the establishment was not sufficiently scrutinised. They direct that an ~~explanation~~ expression of their displeasure should be communicated to ~~&&&~~ Mr.Jayarama Iyer.

3. The Chief Court will be requested to take such steps as are calculated to bring the work of this court in respect of dealing with records and registers to a proper state.

Offg Secretary to Government.

To

The Registrar Chief Court of Mysore.

" . Revenue Commissioner in Mysore.

B.K.M.

2.

No. 3395/21

1942 87-7

B A N G A L O R E,

26th January 1911.

27/8

From,

The Registrar of the

Chief Court of Mysore.

To,

The Secretary to Government,

General and Revenue Departments.

S i r,

Adverting to Government Proceedings No.J.2095-6/Ctsl97-09-5 dated 21st January 1911, I am directed to request you will be so good as to return the enclosures forwarded with this Office letter No. 1172/66 dated 5th September 1910.

I have the honor to be,

Sir,

Your most obedient servant,

REGISTRAR.

MBS.

94-2
31-1-11

G.R.S. 26]

File No 197 ag
Serial No. 8/

Diary No. of letter replied to _____

No. J 2185 Encl 1 and Enclosures.

General and Revenue Secretariat
(S)
, *the* 19

To

The Registrar of the
Chief Court of Mysore

Date of issue 3-2-1911.

Signed by M S. Krishnaswamy Iyengar

Sir,

I am directed with reference to Govt Proceedings No J 2095-6 etc 1907-09-5 dated the 21st January 1911, passing orders in the matter of the accumulated arrears of work in the Subordinate Judges' Court, Bangalore, and has the honor ~~directed~~ to forward herewith for disposal a memorandum of explanation submitted to Govt by S. Ramaswamy Iengar, Shirastadar Sub Judges' Court, Bangalore.

(2) The original enclosure received with the Registrar's over

SUBJECT.

your letter No 1172/66 dated 5th Sept. 1910 are herewith returned.

I have etc

For Secy.

Sec (122)
30-1-11

SW (11)

copied by
1-2-11

30/1/11

Sec Ld